

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELIZABETH CRAWFORD,

Plaintiff,

V.

UNITED STATES OF AMERICA, et al.

Defendants.

Civil Action No: 15-0004 (RJL)

ECF

JOINT STIPULATION OF DISMISSAL OF DEFENDANT CHRIS TUDOR

Plaintiff Elizabeth Crawford has sued defendants United States of America, U. S. House of Representatives, and Chris Tudor under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, for money damages arising from the alleged “negligent or wrongful act or omission of [an] employee of the Government while acting within the scope of his office or employment.” Upon review of the complaint, Daniel F. Van Horn, Chief, Civil Division, Office of the United States Attorney for the District of Columbia, issued a Westfall Act certification, pursuant to 28 U.S.C. § 2679(d), consistent with the allegations in the complaint. *See* Ex. A hereto.

Consequently, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), the parties stipulate to the voluntary dismissal, without prejudice, of all claims against Defendant Chris Tudor, with each party to bear its own costs and fees. No answer or motion for summary judgment has been filed by this defendant. This stipulation does not affect plaintiff's claims for money damages against defendant United States of America, and the United States will file a separate answer or other response to the complaint. Dismissal of defendant Tudor is appropriate, because only the United States is a proper defendant to an FTCA suit, not a particular federal

agency, its subdivisions, or its employees. *See* 28 U.S.C. § 2679(a); *Upshaw v. United States*, 669 F. Supp. 2d 32, 39 (D.D.C. 2009); *Cox v. Secretary of Labor*, 739 F. Supp. 28, 29 (D.D.C. 1990) (suit against the Secretary of Labor rather than the government itself must be dismissed for lack of subject matter jurisdiction) (citing numerous cases).

As provided in Rule 41(a), this notice of dismissal without prejudice will be effective upon filing, without the need for a Court order.

Respectfully submitted,

/s/ Benjamin D. Pelton
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